

REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-18 in the application. In previous responses, the Applicants amended Claims 13 and 17 and canceled Claim 16. The Applicants have not added any claims. In the present response, the Applicants have amended Claims 9 and 13. Support for the amendment can be found in the original specification on page 9, line 21 to page 10, line 2, and Figure 3. Accordingly, Claims 1-15 and 17-18 are currently pending in the application.

Previously, the Examiner indicated the allowability of the pending claims. In the present Office Action, the Examiner withdraws the indicated allowability of Claims 9, 13 and 14. As argued below, the Applicants believe that all of the pending Claims 1-15 and 17-18 are allowable.

I. Rejection of Claims 9 and 13-14 under 35 U.S.C. §103

The Examiner has rejected Claims 9 and 13-14 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,333,799 to Bala, *et al.* The Applicants respectfully disagree.

Bala relates to optical communication networks and a combination of all-optical and opto-electronic elements for interchanging wavelengths at a node in the network. (*See* column 1, lines 10-13.) Figure 14 of Bala is a circuit diagram of a cross-connect between two wavelength-division multiplexed (WDM) networks with fiber optical switching for transparent channels. (*See* column 5, lines 56-64, and column 6, lines 1-3.) Figure 14 includes an optical switch 140 that has inputs coupled to the output side of a first optical switch 130 and outputs coupled to the input side of a second optical switch 136. (*See* Figure 14.)

The Examiner asserts that Figure 14 of Bala renders the subject matter of Claims 9, 13 and 14 obvious. (*See Office Action*, page 2.) More specifically, the Examiner asserts that it would have been obvious to one of ordinary skill in the art to couple the input of the optical switch 140 to the inputs of the first optical switch 130 and the outputs of the optical switch 140 to the outputs of the second optical switch 136. (*See Office Action*, page 4.) Figure 14, however, provides no teaching or suggestion of optically coupling the inputs of the optical switch 140 directly to the inputs of the first optical switch 130 and optically coupling the outputs of the optical switch 140 directly to the outputs of the second optical switch 136. On the contrary, according to the Examiner, the inputs of the optical switch 140 are optically coupled to the inputs of the first optical switch 130 and the outputs of the optical switch 140 are optically coupled to the outputs of the second optical switch 136 through the first and second optical switches when the first and second optical switches are in a bar state. (*See Office Action*, page 4.) Thus, Figure 14 of Bala suggests an indirect connection through optical switches 130 and 136 instead of a direct optical coupling that is unconditional. Figure 14, therefore, does not teach or suggest a third fabric having k input ports and k output ports, each of the input ports of the third fabric being optically coupled directly to a distinct one of the input optical fibers of a first fabric and each of the output ports being optically coupled directly to a distinct one of the output optical fibers of the second fabric as recited in amended independent Claims 9 and 13.

Since Bala, and more specifically, Figure 14 of Bala as cited, does not teach or suggest each element of amended independent Claims 9 and 13, the Examiner has not provided a *prima facie* case of obviousness of amended independent Claims 9 and 13. As such, Claims 9, 13 and Claims

dependent thereon are not obvious in view of the cited reference. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection and allow issuance of Claims 9 and 13-14.

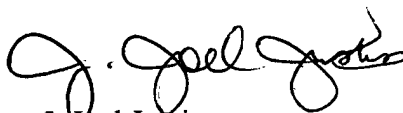
II. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-15 and 17-18.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 018-2395.

Respectfully submitted,

HITT GAINES, PC



J. Joel Justiss

Registration No. 48,981

Dated: 2/1/06

P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800